

**THE LEGISLATIVE STUDY
COMMISSION
ON
CHILDREN AND YOUTH**



**REPORT TO THE
GOVERNOR AND THE 2001 GENERAL ASSEMBLY OF
NORTH CAROLINA**

A LIMITED NUMBER OF COPIES OF THIS REPORT IS AVAILABLE FOR DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY.

ROOMS 2126, 2226
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611
TELEPHONE: (919) 733-7778

OR

ROOM 500
LEGISLATIVE OFFICE BUILDING
RALEIGH, NORTH CAROLINA 27603-5925
TELEPHONE: (919) 733-9390

**MEMBERSHIP
LEGISLATIVE STUDY COMMISSION
ON
CHILDREN AND YOUTH
1999-2001**

G.S. 120-215 – 120-220

Pro Tem's Appointments

Sen. Charlie S. Dannelly, Cochair
3167 Dawnshire Avenue
Charlotte, NC 28216
(704) 392-1227

Sen. Austin M. Allran
PO Box 2907
Hickory, NC 28603
(828) 322-1410

The Honorable Joseph M. Buckner
PO Box 1088
Hillsborough, NC 27278

Mr. Charles Franklin, Director
Albemarle Mental Health Center
PO Box 326
Elizabeth City, NC 27907-0326

Ms. Cathy Alston-Kearney
Executive Director, Warren Family Institute
115 E. Market Street
Warrenton, NC 27589

Sen. R. L. Martin
PO Box 387
Bethel, NC 27812
(252) 825-4361

Speaker's Appointments

Rep. Alex Warner, Cochair
212 South Main Street
Hope Mills, NC 28348
(910) 424-5350

Mr. George Bond, Director
Buncombe County Dept. of Health
35 Woodfin Street
Asheville, NC 28801

Ms. Charlene Carswell
PO Box 852
Lake Junaluska, NC 28745

Rep. Jim Gulley
PO Box 3030
Matthews, NC 28105
(704) 847-9341

The Honorable Pattie S. Harrison
Chief District Court Judge
Person County Courthouse
105 South Main Street
Roxboro, NC 27702

Mr. Daniel C. Hudgins
Durham County Dept. of Social
Services
PO Box 810
Durham, NC 27702

Sen. William R. Purcell
1301 Dunbar Drive
Laurinburg, NC 28352
(910) 276-7328

Rep. Howard J. Hunter, Jr.
PO Box 506
Murfreesboro, NC 27855
((252) 398-5630

Dr. Jonathan P. Sher, President
NC Child Advocacy Institute
311 East Edenton Street
Raleigh, NC 27601-1017

Rep. Margaret M. Jeffus
1801 Rolling Road
Greensboro, NC 27403
(336) 275-4762

Mr. Matthew B. Slotkin
404 East Trade Street
Charlotte, NC 28202

Ms. Pam Seamans
Covenant with North Carolina's
Children
PO Box 28268
Raleigh, NC 27611

Sen. Ed N. Warren
101 W. 14th Street, Suite 101
Greenville, NC 27834
(252) 758-1543

Mr. Stan White
PO Drawer 1447
Nags Head, NC 27959

Staff

Frank W. Folger
Wendy L. Graf
Research Division
919/733-2578

Clerk

Dee Hodge

919/733-5955

TABLE OF CONTENTS

LETTER OF TRANSMITTALi

MEMBERSHIP LISTiii

LEGISLATIVE AUTHORITY1

COMMITTEE PROCEEDINGS5

FINDINGS AND RECOMMENDATIONS.....15

APPENDICES

- * A. SUMMARY OF DRUG TREATMENT COURT PROGRAM IMPLEMENTATION17
- * B. MEMORANDUM – AOC PROJECTED COSTS OF FAMILY DRUG TREATMENT COURT PROGRAM IMPLEMENTATION.....21
- * C. REPORT ON STATUS OF MECKLENBURG FAMILY DRUG TREATMENT COURT23
- * D. CHART – MECKLENBURG COUNTY FAMILY DRUG TREATMENT COURT PROPOSED BUDGET OPTIONS25
- * E. CHART – MECKLENBURG COUNTY FAMILY DRUG TREATMENT COURT CLIENT STATISTICS27
- * F. MEMORANDUM – FISCAL RESEARCH ANALYSIS OF PROJECTED COSTS OF FAMILY DRUG TREATMENT COURT PROGRAM29
- * G. LEGISLATIVE PROPOSAL 1 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A FAMILY DRUG TREATMENT COURT PROGRAM IN NORTH CAROLINA AND TO FUND THE PROGRAM, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH AND A SECTION-BY SECTION ANALYSIS OF THE BILL33
- * H. LEGISLATIVE PROPOSAL 2 – A BILL TO BE ENTITLED AN ACT TO PROVIDE LAW ENFORCEMENT PROTECTION TO SOCIAL SERVICES WORKERS CARRYING OUT DUTIES OUTSIDE THE LOCAL DEPARTMENT FACILITY AND A SECTION-BY-SECTION ANALYSIS OF THE BILL39

***APPENDICES - This information is not available electronically. This report is available in its entirety at the Legislative Libraries - Legislative Building - Rooms 2126, 2226, (919) 733-7778; or Legislative Office Building - Room 500 (919) 733-9390.**

ARTICLE 24.

THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

§ 120-215. Commission created; purpose.

There is created the Legislative Study Commission on Children and Youth. The purpose of the Commission is to study and evaluate the system of delivery of services to children and youth and to make recommendations to improve service delivery to meet present and future needs of the children and youth of this State. This study shall be a continuing one and the evaluation ongoing. (1997-390, s. 11.)

§ 120-216. Commission duties.

The Commission shall have the following duties:

- (1) Study the needs of children and youth. This study shall include, but is not limited to:
 - a. Determining the adequacy and appropriateness of services:
 1. To children and youth receiving child welfare services;
 2. To children and youth in the juvenile court system; and
 3. Provided by the Division of Social Services and the Office of Juvenile Justice.
 - b. Developing methods for identifying and providing services to children and youth not receiving but in need of child welfare services, children and youth at risk of entering the juvenile court system, and children and youth exposed to domestic violence situations.
 - c. Developing strategies for addressing the issues of school dropout, teen suicide, and adolescent pregnancy.
 - d. Identifying and evaluating the impact on children and youth of other economic and environmental issues.
 - e. Identifying obstacles to ensuring that children who are in secure or nonsecure custody are placed in safe and permanent homes within a reasonable period of time and recommending strategies for overcoming those obstacles. The Commission shall consider what, if anything, can be done to expedite the adjudication and appeal of abuse and neglect charges against parents so that decisions may be made about the safe and permanent placement of their children as quickly as possible.
- (2) Evaluate problems associated with juveniles who are beyond the disciplinary control of their parents, including juveniles who are

runaways, and develop solutions for addressing the problems of those juveniles.

- (3) Identify strategies for the development and funding of a comprehensive statewide database relating to children and youth to facilitate State agency planning for delivery of services to children and youth.

- (4) Conduct any other studies, evaluations, or assessments necessary for the Commission to carry out its purpose. (1997-390, s. 11; 1997-443, s. 11A.118(b); 1999-423, s. 5.)

§ 120-217. Commission membership; terms; compensation.

- (a) The Commission shall consist of 25 members, as follows:

- (1) Eleven members appointed by the Speaker of the House of Representatives, among them:

- a. Four shall be members of the House of Representatives at the time of their appointment,
- b. One shall be the director of a local health department,
- c. One shall be the director of a county department of social services,
- d. One shall be a representative of the general public who has knowledge of issues relating to children and youth,
- e. One shall be a licensed physician who is knowledgeable about the health needs of children and youth, and
- f. One shall be a chief district court judge recommended by the Council of Chief District Judges.
- g. One shall be a representative from the Covenant with North Carolina Children.

- (2) Eleven members appointed by the President Pro Tempore of the Senate, as follows:

- a. Four shall be members of the Senate at the time of their appointment,
- b. One shall be the director of a mental health area authority,
- c. One shall be a representative of the Association of County Commissioners,
- d. One shall be a representative of the general public who has knowledge of issues relating to children and youth,
- e. One shall be a licensed attorney whose practice includes the representation of parents accused of criminal or civil abuse or neglect, and
- f. One shall be a chief district court judge recommended by the Council of Chief District Judges.
- g. One shall be a representative from the North Carolina Child Advocacy Institute.

- h. One shall be a representative from the North Carolina Child Fatality Task Force.
- (3) The following shall serve ex officio as nonvoting members of the Commission:
 - a. The Secretary of Health and Human Services, or the Secretary's designee,
 - b. The State Superintendent of Public Instruction, or the Superintendent's designee,
 - c. The Secretary of Administration, or the Secretary's designee, and
 - d. The Director of the Administrative Office of the Courts, or the Director's designee.

(b) Any vacancy shall be filled by the appointing authority who made the initial appointment and by a person having the same qualification. Members' terms shall last for two years. Members may be reappointed for two consecutive terms and may be appointed again after having been off the Commission for two years.

(c) Commission members shall receive no salary as a result of serving on the Commission but shall receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable. (1997-390, s. 11; 1997-443, s. 11A.122; 1997-483, s. 3.1.)

§ 120-218. Commission meetings; public hearings; staff.

(a) The Commission shall hold its initial meeting at the call of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Subsequent meetings shall be held upon the call of the Commission cochairs. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall appoint a cochair each from the membership of the Commission.

(b) The Commission may hold public hearings across the State to solicit public input with respect to issues relating to children and youth.

(c) The Commission may contract for clerical or professional staff or for any other services it may require in the course of its ongoing study. At the request of the Commission, the Legislative Services Commission may supply members of the staff of the Legislative Services Office and clerical assistance to the Commission as the Legislative Services Commission considers appropriate. The Commission may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building. (1997-390, s. 11.)

§ 120-219. Commission reports.

The Commission shall report to the General Assembly and to the Governor the results of its study and recommendations. A written report shall be submitted to each biennial session of the General Assembly at its convening. (1997-390, s. 11.)

§ 120-220. Commission authority.

The Commission has the authority to obtain information and data from all State officers, agents, agencies, and departments, while in discharge of its duties, pursuant to G.S. 120-19, as if it were a committee of the General Assembly. (1997-390, s. 11.)

COMMITTEE PROCEEDINGS

The Legislative Study Commission on Children and Youth held six meetings during the 1999-2000 Biennium and prior to the convening of the 2001 General Assembly.

First Meeting - March 20, 2000

The Commission met initially on Monday, March 20, 2000. The meeting was characterized as informational in nature as it was the first meeting of the Commission in two years.

Frank Folger, Commission Co-counsel gave background information on the creation of the Commission in 1997. He stated that the Commission was created to study and evaluate the delivery of services to children and youth and to make recommendations to improve that service delivery. The Commission has the charge of a continuing study and an ongoing evaluation. The Commission is charged with studying the needs of children and youth including a review of the adequacy and appropriateness of child welfare services, Juvenile Court System Services, and any services provided by the Division of Social Services and the Office of Juvenile Justice. The Commission has a duty to report to the General Assembly and to the Governor the results of its study and recommendations at the convening of each biennial session. The Commission's first report is due at the convening of the 2001 Session of the General Assembly.

Mr. Chuck Harris, Child Welfare Director with the Department of Social Services (DSS) updated the Commission on the status of Children Services in the Department. Mr. Harris told the Commission that his department is responsible for services designed to prevent child abuse and neglect, responding to reports of child abuse and neglect, the foster care system and adoptions. He referred to two handouts from which he would be speaking; 1) North Carolina's Adoption and Safe Families Act (ASFA) and 2) Timeline entitled When Court Orders Reunification Efforts.

He told the Commission that the General Assembly defines what constitutes child abuse and neglect. Prior to ASFA, the primary legislation was the Adoption Assistance and Child Welfare Act of 1980. ASFA went into effect in NC on January 1, 1999. He then highlighted aspects of ASFA. Mr. Harris emphasized, with reference to the handout entitled When Court Orders Reunification Efforts, that ASFA streamlines the court process and increases the regularity of hearings regarding juvenile abuse, neglect and dependency issues. ASFA also allows for additional people to be heard in the juvenile proceedings and for concurrent planning. At the same time reunification efforts are underway, there may be discussion of an alternative plan.

Commission member Dr. Jonathan Sher expressed hope that the Commission would seriously focusing on the child welfare system as the number of abused and neglected children has risen sharply in this state.

Mr. Harris then spoke on the condition of the State foster care and adoption system. He told the Commission that, although within the last five years, there has been a significant increase in the number of foster children who are adopted, the State needs to invest better in adoptive parents, create more infrastructures for post adoption support and streamline the criminal record check process.

Dr. Pam Riley, Director of the Center for the Prevention of School Violence, spoke about the Center, its inception, purpose and effectiveness. Dr. Riley reiterated the three issues that the Center concentrates on are 1) student involvement, 2) school capacity and 3) continuity of services. She also noted that there are some children who are out of the education mainstream. For this reason, there are 176 alternative learning programs in NC. By July 1, 2000, every school district in NC is required to have an alternative learning program in place. She mentioned that the Commission might want to address the fact that there is no requirement that those alternative learning programs accept suspended or expelled children. The trend around the country is that there needs to be a structured learning environment every day for every young person. She spoke on the SAVE program (Students Against Violence Everywhere) and a "tipline" known as the WAVE Campaign (Working Against Violence Everywhere) where students can call anonymously to report tips on violence. She concluded with a discussion of statistics regarding School Resource Officers and gang-related violence.

Dr. Sher stated he felt the focus of the Commission as it relates to violence and youth, should be on adults, not on the youth themselves.

Mr. George L. Sweat, Director, Office of Juvenile Justice (OJJ), addressed the Commission on the current work of the OJJ. Beginning with a brief history of the OJJ and the Juvenile Justice Reform Act, he provided a report on the services his office is providing. His presentation included discussion of:

- the shortage of bed shortage in training schools for juvenile offenders;
- the current status of detention centers;
- Teen Court, how locations for the program are determined, and the need for expansion of the program across the State;
- the establishment of Juvenile Crime Prevention Councils (JCPCs);
- the Juvenile Information Network (JNET);
- the Dobbs School, an unfenced juvenile facility in Kinston; and
- the family cyclical connection between juvenile delinquency and child abuse and neglect leading to increased neglect and abuse.

He stressed the need for programs to change youth behaviorally, educationally, and criminally and emphasized that the issues at home must be addressed also in order for the programs to work.

Commission member Judge Pattie Harrison agreed with Chief Sweat that the family cycle which perpetuated child abuse and neglect was a key problem and noted the

absence of programs to address parental attitudes and problems and, in particular, substance abuse problems.

Ms. Rosa Dula and Ms. Carrie Carol, Wake County Juvenile Court Prosecutors, spoke on juvenile justice from the prosecutor's perspective and emphasized the need for an automated communication/information system to monitor and access juvenile records as mandated by current juvenile justice code provisions.

Mr. David Brannon of the Wake County Juvenile Defense Bar told the Commission that changes in the code had not dramatically affected the defense bar, but implementation of the first appearance for felonies in juvenile court was great for the defense because it required attorneys to meet clients before adjudication. He suggested schools be open during the hours of 3:30 p.m. and 7:00 p.m. because that is when most juvenile crime occurs. It was noted that the State Board of Education had previously been required to study the feasibility and advisability of delaying the start of the school day.

Senator Dannelly mentioned an initiative in New York called the Beacon Program, which takes whole families, as well as youth, during the trouble-making hours and gives them something positive to do. The program is designed to get children involved with meaningful endeavors.

Commission member Judge Joseph M. Buckner stressed that it is incumbent upon the Commission to act to force district attorneys and chief judges to make juvenile court, the Department of Social Services, and delinquency prevention, priorities.

Judge Harrison added that having one judge and one district attorney dealing with the families is an effective way to address many of the current family-centered juvenile problems.

Second Meeting-April 17, 2000

At the Commission's second meeting held on Monday, April 17, 2000, Mr. Larry Dix, Special Assistant to the Director of the, North Carolina Office of Juvenile Justice, began the meeting by talking about the Office of Juvenile Justice (OJJ) and its information technology components, while each Commission member was furnished a copy of the Juvenile Network Planning Project Final Report dated October 1998. Ms. Rachel Spangler, the J-Net Project Director, then presented to the Commission information on the implementation of the J-Net Project, its goals, its funding, and its timeline for installation. Included as goals of the project are creation of a "snapshot" of each juvenile, to aid in providing services to that juvenile and in reporting statistically to the General Assembly, and more efficient and more accurate interagency communication and information-sharing. The system should also enable the OJJ to determine which programs work and which ones don't work.

Arlene Wouters, Director of the Communities in Schools Program (CIS) spoke on after-school programs at the elementary and middle school levels. She addressed funding

issues regarding after-school programs. She stated that it is great to get grant money, but keeping the programs running when that money runs out is a problem. She further indicated that program implementation at the local level is generally contingent upon schools submitting grant proposals. She recommended that all the after-school programs be examined to develop a model for programs that work, and suggested the State consider experimenting with the school day to cover the hours from 6 to 7 a.m. to 5 or 6 p.m. The Commission discussed the importance of family involvement in after-school programs.

Members of the Commission suggested as topics for future discussion:

- Child abuse issues and agency plans to combat the drastic increase in the reports of abuse and neglect.
- The Court Improvement Project.
- Domestic violence issues.
- Funding for families with substance abuse problems that are involved with juvenile court cases.
- The Board of Education's report on extending the school day or alternative school hours.

Third Meeting-August 31, 2000

At the Commission's third meeting on August 31, 2000, Ms. Joann Lamm with the Division of Social Services (DSS), Child Protective Services reported on child abuse, neglect and dependency and, in particular, their relationship to substance abuse and domestic violence. She furnished Commission members with two handouts. One reflected the number of reports of child abuse, neglect and dependency in North Carolina during 1994-1999. The other was a report of the number of substantiated reports during 1995-2000. She reviewed the statistical evidence regarding abuse, neglect and dependency incidences, and indicated that when the Automated Child Welfare Information System is installed, DSS will be able to analyze statistically the relationship between domestic violence, substance abuse, and child abuse and neglect. She stated that the biggest challenge involving with substance abuse is access to assessment and treatment services. What to do with the children while treatment is being sought is a problem. Another problem is restrictions on information that DSS can get when treatment is undertaken.

Regarding domestic violence, Ms. Lamm stated that the focus is making a parent responsible for providing care and protection of their children. The cyclical problem is that children who are abused often abuse others as adults. She stated that the DSS must be committed to cross training of child welfare workers and domestic violence advocates. The roles and responsibilities of each must be understood to reach the goal of safety for everyone.

She also discussed funding from the Governor's Crime Commission to focus on a dual track approach to child protective services. This approach focuses on the more serious cases of physical and sexual abuse and looks at neglect cases differently.

Workers in other states report that families are more receptive when they knock on the door and state that “How can I help”; as opposed to “Excuse me, I have a report of abuse and neglect that I need to talk about.”

The Commission then discussed social worker safety issues and the fact that funding for prevention programs is frequently subordinated to others. The Commission discussed the issue of family courts. Judge Harrison stated that the State needs a system of family courts with a built in substance abuse component which efficiently provides assessment and treatment.

Ms. Peebles inquired as to the type of collaborative relationship the DSS has with schools since abuse and neglect issues affect children academically. Ms. Lamm stated that this issue is currently being focused upon in some committees because children need a home environment that is conducive to learning. She stated that they are beginning to develop good relationships with schools. There is lots of collaboration with local school districts and county DSS offices, but there is more that needs to be done at the state level.

Ms. Michelle Cotton from the Division of Mental Health, Developmental Disabilities and Substance Abuse Services noted the lack of funding for substance abuse treatment.

Ms. Ilene Nelson, State Administrator of the Guardian Ad Litem (GAL) Program spoke on the relationship of substance abuse, domestic violence and child abuse and neglect as viewed from the perspective of guardian ad litem. She emphasized the role of alcohol abuse in GAL-involved matters and the fact that the GAL program deals with the most needy and dysfunctional families. She also discussed Day One conferencing, part of the Court Improvement Project. This conference takes place one day after a petition is filed. At this conference, representatives from the school, the Division of Mental Health, the DSS, the GAL, parents, parent’s attorneys and the family are present. They discuss needs of the family. This commitment cuts the amount of time the child spends in care from 485 days to 260 days. Caseloads have been reduced by half because of the Court Improvement Project. Ms. Nelson told the Commission that the General Assembly needs to consider funding the North Carolina court system because this is where decisions are made about children that are removed from their homes.

Ms. Nelson added that her plea is to ensure that the GA funds the mandates that are made and that focus is put on prevention strategies so that all workers have manageable work to do. She also expressed favor for open adoptions and funding recruitment efforts to secure adoptive families for teenagers. Ms. Nelson stated that home visiting has become one of the single most successful prevention strategies. Home visiting means providing a paraprofessional to go into the home with a new parent and teach parenting skills. Studies have shown that if done with families at risk, it reduces the number of second pregnancies, child abuse and delinquency among those children.

Judge Buckner told the Commission that all that is needed for the Day One Conferencing is someone to coordinate with the schools, the parents, attorneys, etc. He

added that if the Commission wanted to make a recommendation that districts who are willing to adopt the Day One Conferencing as a priority, might be at the head of the line for a coordinator or additional judge to help streamline those cases. His district is ready to adopt this strategy and they are presently writing for Federal grants to help fund the program.

Frank Folger, Commission Co-counsel briefly reviewed the report prepared by the State Board of Education regarding delaying the start of the school day, which did not recommend such a change.

Fourth Meeting-October 3, 2000

At the Commission's fourth meeting on October 3, 2000, Frank Folger, Commission Co-counsel, reviewed legislative proposals discussed to date, specifically:

1. Protection of social workers during home visits.
2. Expansion of the Family Drug Court Program or creation of a new act.
3. Expansion of the Day One Conference program
4. The need for insuring mental health and substance abuse treatment for all children.

Ms. Michelle Cotton, Legislative Liaison with the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services was furnished the Commission members with a snapshot view of children entering into North Carolina's Mental Health System. She stated that the Division is struggling to work with the limited resources available. One reason for the increase in cases handled by the Division is because the Division is better equipped to accurately identify the children and what they need treatment for. The Division has revamped the child mental health structure and is currently assessing where the most critical needs are and how to respond to them.

Ms. Martha Coffman, the newly appointed Chief of Child and Family Services for the Division of Mental Health, Developmental Disabilities and Substance Abuse Services addressed the issue of the sufficiency of qualified staff to respond to the mental health needs of children in the State. She agreed that it is difficult to recruit and retain staff in rural areas, and that many statistical data that would be helpful to the Commission and the Division was currently unavailable due to lack of technical assistance.

Ms. Flo Stein, Chief of Substance Abuse Services within the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services addressed further issues within the Division related to funding and resources that have exacerbated the child mental health problems in the State. Regarding children in foster care, a preventive approach has been the focus. She stated that funds have been used for treatment of women, men and children together. The goal is to keep the family intact, even when substance abuse is recognized. Priority is given to families in jeopardy of losing their parental rights and those who are about to lose their work first funds. The Division tries to focus on the highest risk people. She also talked about the Strengthening Families

Program, a program is designed to address the needs of children in families where parents are substance abusers, being piloted in three communities

Mr. Randy Monchick, the North Carolina Drug Treatment Court Administrator, discussed the state drug treatment court program. He told the Commission that at least 75% of the criminal court filings, not to mention a substantial portion of civil and domestic court filings are the product of substance abuse. While treatment interventions are promising, getting chemically dependant offenders in treatment and keeping them active in a recovery program for at least one year has continued to plague the criminal justice system and the treatment systems. The Drug Treatment Court specifically addresses this dilemma. The program has the power to:

1. Entice entry into treatment through the threat of conviction or incarceration.
2. Make available the delivery of comprehensive treatment services.
3. Monitor the delivery of those services and client performances through frequent court appearances and random drug testing.
4. Build motivation and character through a judicially driven carrot and stick team approach that maximizes structure and accountability for one's behavior.

He provided a brief history and structural overview of the State Drug Court Program and noted there were subcommittees of the State Drug Treatment Court Advisory Committee that are attempting to address the issue of expanding drug courts into the juvenile and family arenas.

Ms. Karen Simon, Drug Treatment Court Program Director for Mecklenburg County furnished Commission members with a copy of the Mecklenburg County Family Drug Treatment Court Participant Handbook and discussed the family drug treatment court pilot program being conducted in Mecklenburg County. She stressed that the underlying focus of the program was accountability. She also noted that one of the substantial problems with the program is that when a client loses custody of their children, they lose all of their benefits, at the moment when they most need services. Lack of funding is the major reason for most of the impediments to the program. She added that the most success occurs when mental health and substance abuse services are provided in-house. Unless agencies are funded to provide the services within the community, or in the manner the client needs it, there is a barrier. She talked about post-graduation support services and treatment. Regarding access, in any case brought before the court for abuse and neglect where the client has an underlying problem of substance abuse, the case is referred to the Family Drug Treatment Court.

Fifth Meeting- November 16, 2000

At the Commission's fifth meeting on November 16, 2000, Frank Folger, Commission Co-counsel, presented the Commission with a draft bill for a family substance abuse treatment court pilot program, originating from discussions held at previous meetings. He told Commission members that the current program being conducted in Mecklenburg County provided the model for the draft bill. The bill is

intended to establish a pilot program that will both fund and administer a family substance abuse treatment court pilot program. The bill applies the substance abuse and alcohol abuse treatment therapeutic court principles in the context of Department of Social Service (DSS) custody cases. The bill is intended to establish a program that will: 1) be administered by the director of the Administrative Office of the Courts (AOC); and 2) award grants for programs to be implemented at the local level.

After much discussion, the following points were highlighted relative to the proposed bill:

- A fiscal note to determine potential costs and appropriations needs to be done.
- Potential funding sources need to be addressed.
- The management committee needs to include: 1) the chief district court judge instead of the senior resident superior court judge; 2) a mental health area authority; 3) the county DSS director or child welfare administrator within the DSS; and 4) a county Commissioner.
- The county social worker and the district attorney need to be removed from the list of persons to be included on the management committee.
- The number of pilot programs must be determined. Possibly one in each judicial district or region where there is currently no existing Drug Court Treatment Project. The suggestions also included putting the Family Substance Abuse Treatment Courts in urban, multi-county and rural districts.
- A base for the application procedure needs to be addressed.

Ms. Michelle Cotton, Legislative Liaison with the Department of Mental Health, Developmental Disabilities and Substance Abuse Services told Commission members that the Division supports the intention of the bill, however, the State grossly lacks substance abuse treatment programs and child mental health services. This lack of resources is a direct result of insufficient funding. She told Commission members that the system must be expanded in order to be effective.

Sixth Meeting-December 12, 2000

At the Commission's sixth meeting on December 12, 2000, Frank Folger, Commission Co-counsel, briefed the Commission on changes made to the Family Substance Abuse Treatment Court Pilot Program draft proposal. He indicated he had discussed the draft bill with Judge Ross, Director of the Administrative Office of the Courts and that Judge Ross had express support for the draft, as long as the General Assembly would commit to appropriately fund the program. Mr. Folger further reported that the NC Courts Commission might be looking at expanding the Court Improvement Project's Day One Conference Program. Fiscal Research has been requested to analyze the fiscal aspects expanding the program, as well as the drug court treatment program.

The Commission heard from a discussion panel on the issues related to the family substance abuse treatment court program. The panel consisted of:

1. Mr. Randy Monchick, NC Drug Treatment Court Administrator;
2. Ms. Kirstin Frescoln, NC Juvenile and Family Treatment Court Specialist;
3. Ms. Debbie Riley, State Drug Court Program Planner/Field Operations Manager; and
4. Ms. Karen Simon, Mecklenburg County Drug Treatment Court Director.

The following key points were brought out during the discussion.

- One of the key issues to making the Family Drug Treatment Court (FDTC) work is a supportive judiciary.
- Offenders need to appear before the same judge every 2 weeks. This helps them stick to treatment because they are immediately held accountable by the judge. Consistency is a crucial element.
- The case manager is very important to the success of the program. They are responsible for coordinating local resources. They pull all the information together to present before court. They develop a plan for success for the client. The case manager needs to have expertise in substance abuse and have worked within the criminal justice system. A Bachelor of Science Degree in Criminal Justice or a human services field of study is a necessity.
- Dedicated social workers are critical to the success of the FDTC and need to be part of the management team. Social workers also need to be a part of the county DSS in order for the program to work.
- Critical to FDTC is adequate treatment for all family members, not just the parent with substance abuse problems.
- Dedicated funding is necessary for the program to work successfully. Funding needs to encompass not only substance abuse treatment, but also residential treatment and mental health services.

Ms. Simon told Commission members that the Mecklenburg FDTC is currently funded by a Governor's Crime Commission grant. There is no current funding for residential treatment or mental health treatment. She told Commission members that if the 20 graduates of the Mecklenburg County FDTC were to have been incarcerated, it would have cost \$4-500,000. To serve them under the FDTC cost \$1250 per client per year for substance abuse treatment and the salary of one case manager for the entire program. The total cost to put them through drug court was approximately \$180,000. They have so far a 0% recidivism rate out of that group.

Mr. Monchick discussed the Pensacola area Family Drug Treatment Court as the model for the Mecklenburg County program. He commented on the office of the State Drug Treatment Court Program's position on the proposal and raised the following points:

- Mecklenburg County needs to be the mentor court and needs more funding for it's FDTC
- Put the courts where there is an existing drug treatment court or family court
- Put the courts in rural or urban area mix.

He further told the Commission that he believed the current drug treatment court act should be amended to encompass family treatment courts and possibly juvenile treatment courts to be administered by the AOC.

Ms. Martha Sue Hall, Family Drug Court Administrator for the 20th Judicial District, gave a brief presentation on the Day One Conference, an initiative of the Court Improvement Project which requires all interested parties and agencies to confer the day following DSS removal of custody of a child from a home. The Day One Conference pilot programs already instituted have enhanced the efficiency of the adjudicatory process for DSS juvenile non-secure custody matters and have substantially reduced the average non-permanent placement time for children.

Seventh Meeting-January 11, 2000

At the Commission's seventh meeting on January 11, 2001, Frank Folger and Wendy Graf, Commission Counsel, furnished Commission member with the proposed report to be submitted to the General Assembly and summarized the contents of the report. They highlighted recent changes to the draft legislative proposals included in the report.

The Commission discussed revisions to the report and amendments to the two legislative proposals. The Commission voted to amend the proposal on family drug treatment courts to make consistent the reference to clients of the program as "respondents in a juvenile petition for abuse, neglect or both." It also voted to amend the section providing the membership for local drug treatment court management committees to allow the membership of the committee to reflect the type or types of drug court operations being conducted in each given district. The Commission also amended the legislative proposal on providing law enforcement protection to social workers to grant to the director or his representative, rather than the social worker the authority of requesting law enforcement protection.

Upon motion, the Commission voted to approve the report as amended.

FINDINGS AND RECOMMENDATIONS

The Legislative Study Commission on Children and Youth met seven times during the 1999-2000 Biennium. The Commission is charged with studying and evaluating the delivery of services to children in North Carolina, and since this charge covers such a broad spectrum, the Commission spent a significant amount of time gathering information from various sources and narrowing the focus of the study. After prioritizing the issues raised at its meetings, and after extensive study and discussion, the Commission makes the following findings and recommendations:

FINDING 1: The Commission found that many of the problems facing children today are linked to substance abuse. Incidents of child abuse and neglect are increasing, and the majority of substantiated cases involve parents who are involved with alcohol or other drug use. Often times the substance abuse problems are multi generational and are complicated by other family and personal problems. The Commission found that children in these types of family situations are at risk, not only of becoming substance abusers themselves, but also of continuing other patterns of family dysfunction as well as criminal behavior. In order to get to the root of these problems and end the cycle of abuse, it is necessary to take a holistic approach. In the long term, addressing the problems of the family, and keeping the family together, is the best way to address the problems of the child.

RECOMMENDATION 1: That the General Assembly expand the current Drug Treatment Court Act to authorize the establishment of a Family Drug Treatment Court Program. (See LEGISLATIVE PROPOSAL 1 at Appendix *)

FINDING 2: The Commission found that social workers, carrying out their duties in investigating reports of child abuse and neglect, are faced with the potential risk of violence, particularly when conducting home visits. The concern for personal safety has been a significant factor in social workers leaving their jobs. The Commission found that, while there are statutes in place that provide penalties for assaults on social workers carrying out their duties, increased cooperative efforts between local law enforcement and Departments of Social Services would alleviate the social workers' concerns and reduce incidents of violence.

RECOMMENDATION 2: That the General Assembly amend G.S. 7B-302(e) and G.S. 7B-500 to require local law enforcement, when requested by the director or the director's representative, to accompany a social services worker on an investigation and evaluation or when taking a juvenile into custody. (See LEGISLATIVE PROPOSAL 2 at Appendix *)

FINDING 3: The Commission found that when children are removed from their parents, it is important to resolve the situation as quickly as possible for the well being of

the child. The Day One Conference brings together the parties who will be involved in the case the day after a child has been removed from his or her home. Several important issues are discussed at the conference, including placement of the child, visitation issues, and services available to the child. The Commission found that this is a valuable program in that it provides permanent placement for children in a shorter amount of time.

RECOMMENDATION 3: That the Day One Conference Program be studied further by this Commission or another appropriate Commission.